

REMARKS

In the Office Action dated April 5, 2007, claims 1-31 were presented for examination. The Examiner has allowed claims 1-15 and 23-27. Claims 16, 17, 20, 21, and 22 were objected to for a variety of reasons set forth in detail in the Office Action. Claims 29-31 were objected to as being dependent upon a rejected base claim. Claim 28 was rejected under 35 U.S.C. §103(a) over *Carter et al.*, U.S. Patent No. 5,909,540, in view of *Yeager et al.*, U.S. Patent Publication No. 2005/0086300.

The following remarks are provided in support of the pending claims and responsive to the Office Action of April 5, 2007 for the pending application.

I. Objection to Claims 16 and 22

In the Office Action dated April 5, 2007, the Examiner objected to the language “the group consisting of” and requested correction of this phrase to “a group consisting of”. Applicants respectfully disagree with the Examiner’s objection. The subject portion of claims 16 and 22 is a Markush grouping of elements. A proper Markush grouping uses the phrase “selected from the group consisting of”. “Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. One acceptable form of alternative expression, which is commonly referred to as a Markush group, recites members as being “selected from the group consisting of A, B and C.”¹ An improper use of the markush expression would be “selected from a group consisting of”. Accordingly, Applicant respectfully requests that the Examiner remove the objection to claims 16 and 22 and direct allowance thereof.

II. Objection to Claims 17, 20, and 21

In the Office Action dated April 5, 2007, the Examiner objected to claims 17, 20, and 21 regarding the means plus function language. Applicants have amended claims 17, 19, 20, 21, and 22 in response to the Examiner’s objection. The amendments presented herein comply with the objection of the Examiner. Accordingly, Applicants respectfully request that the Examiner

¹ MPEP §2173.05(h), citing *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925).

remove the objection to claims 17, 20, and 21 and direct allowance thereof.

III. Rejection of Claim 28

In the Office Action dated April 5, 2007, the Examiner rejected claim 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,909,540 to *Carter et al.* in view of U.S. Patent Publication No. 2005/0086300 to *Yeager et al.* (hereinafter *Yeager*). Applicants' have canceled claims 28-31, and as such the rejection of claim 28 and the objection to claims 29-31 are now moot. However, Applicants hereby reserve the opportunity to pursue patentability of the canceled claims in a related application. Accordingly, Applicants respectfully request removal of the rejection of claim 28 and the objection to claims 29-31 under 35 U.S.C. §102(b).

IV. Conclusion

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Accordingly, Applicants request that the Examiner indicate the allowability of claims 1-27, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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